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SIPDIS

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NSC FOR CHRIS BARTON  
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TAGS: [KDEM](#) [KPAO](#) [PGOV](#) [PHUM](#) [VE](#)

SUBJECT: CHAVEZ REVIVES NEW MEDIA LAW - VENEZUELAN PRESS  
FEELS THERE ARE GREATER THREATS

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SUMMARY  
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1. (C) President Hugo Chavez, exulting in the officially announced overwhelming victory for the NO vote in the presidential recall referendum revived the idea of the media law on August 22 during his regular [Alo Presidente](#) television program. The law was proposed in January 2003. Despite the fact that Chavez and his allies in the media have singled out particular opposition media for post-referendum attack, a member of the [Boston Group](#) had earlier assured an embassy officer that the law would not go forward. Nonetheless, with Chavez, proclamation calling for action, it is clear that the media law will go forward. Post contacts have said that they are more concerned with how the media law would be enforced rather than its actual content. They have asserted that they are already practicing self-censorship. A larger concern expressed by [El Universal](#), Venezuela's mainstream paper of record, is the physical threats being directed towards the paper's management. END SUMMARY.

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THE MEDIA LAW PROPOSED IN JANUARY 2003  
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2. (U) In January 2003 the [Law of Social Responsibility in Radio and Television](#) (or Broadcast Media Content Law) was introduced in the Venezuelan Congress. Under this law, broadcasters must release only [truthful information](#); television companies, advertisers, and broadcasters could be punished for transmitting [contents that promote, defend or incite lack of respect for legitimate authorities](#), such as the deputies of the National Assembly, the President of the Republic, the Vice-President of the Republic, ministers, magistrates of the Supreme Tribunal of Justice. Programs containing violence of any kind, including coverage of disasters, political conflicts, and criminal incidents, would be restricted to the hours between 11 PM and 5 AM, hours when very few channels broadcast at all. In the bill a new department within the state broadcasting regulatory agency would determine the appropriateness of the content, and exorbitant fines could be imposed on stations, possibly leading to their closure. The government would also have the right to suspend broadcasting or revoke the broadcasting license in the case of repeated offenses.

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CHAVEZ REVIVES THE PROPOSED LAW  
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3. (C) In a conversation with the PAO, Pedro Diaz Blum, an opposition member of the Boston Group (composed of members of both the government and opposition that had undertaken conflict management training in Boston at the initiative of members of the U.S. House of representatives) stated that the Boston Group members had arrived at a gentleman's agreement that the discussion of the bill was to be tabled. Nonetheless, during a speech given on August 22 during his regular [Alo Presidente](#) television program President Chavez called for the expedited passage of the law. He underscored the need for quick passage of the law during his August 27 ceremony at Congress. He said passage was important for the governability of the country and he quoted the Pope as calling for press regulation. Chavez added, [this should not be seen as a threat by anyone, to the contrary, it is a guarantee of order, respect for the law, stability; but never more can televisions or communications media act as arms of terrorism, of coups, or of destabilization](#). In addition, both President Chavez and pro-Chavez media have regularly accused particular major opposition press outlets, daily papers [El Nacional](#) and [El Universal](#) and TV news channels [Globovision](#) and [RC TV](#) as being behind the referendum and irreconcilable to the Bolivarian revolution.,

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VENEZUELAN MEDIA HAS OTHER WORRIES  
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14. (C) In an August 20 meeting between embassy officers and the management of &El Universal,8 Venezuela,s mainstream

paper of record, the managing editor, public relations officer, and executive vice president were somewhat sanguine of the possible effects of the new media law (perhaps reflecting their role as print media). They noted how the media, themselves included, were already practicing self-censorship. Their larger concern were physical threats to them and their family. They mentioned that they had already received phone threats directed against them. They feared that with the (alleged, in their eyes) referendum victory the government and pro-Chavez forces would go beyond threats. They noted the shooting of opposition demonstrators by pro-Chavez gunmen on August 16 as showing the direction the country was heading.

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COMMENT  
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15. (C) The Chavistas in the National Assembly will take up President Chavez, call probably at the same quick pace as the Supreme Court Law. The new media law would undoubtedly be used to pressure the opposition media of which, at this time, there is no shortage. The management of &El Universal8 is sincere in its concerns about physical threats though it is hard to tell how far the government and its supporters would go to silence the opposition press. Despite the confession of self-censorship &El Universal8 and the rest of the opposition media has been tireless in crying fraud at the results of the referendum. The opposition media,s concern over violence is mirrored in the vociferously pro-Chavez paper &Diario Vea8 that warns daily in its editorials that the opposition will turn violent after their democratic defeat and that the Bolivarian revolution must be prepared to defend itself.

16. (C) Charge,s Comment: What drives Chavez, interest in the media law is his perception that the media owners are the true leaders of the opposition, the puppet-master behind the April 2002 coup, and the main holdovers from the pre-Chavez &Fourth Republic8 era. Thus the media,s performance during the referendum campaign \* which was aboveboard, and in which opposition media increased interviews of Chavista leaders \* is beside the point. The application and the existence of the law are more significant than the specific sections in the law. More media controls would be bad for democracy; it will not be clear just how bad until we see the final draft of the law. Chavez listens little to foreign reactions to his laws; we will have far more impact, however, if we can voice our opinions in concert with other countries and NGOs.

McFarland  
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